

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

THERMOSTABLE DNA POLYMERASES INCORPORATING NUCLEOSIDE TRIPHOSPHATES LABELED WITH FLUORESCEIN FAMILY DYES

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number) (Country) (Day/Month/Year Filed)

☐ ☐
Yes No

(Number) (Country) (Day/Month/Year Filed)
No

☐ ☐
Yes

(Number) (Country) (Day/Month/Year Filed)

☐ ☐
Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provision application(s) listed below.

60/058,525

(Application No.)

Sept 11, 1997

(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

George W. Johnston

(Reg. No. 28090)

Patricia S. Rocha-Tramaloni

(Reg. No. 31054)

William H. Epstein

(Reg. No. 20008)

Joseph P. Kirk, Jr.

(Reg. No. 36844)

Dennis P. Tramaloni

(Reg. No. 28542)

Douglas A. Petry, Ph.D.

(Reg. No. 35321)

Send Correspondence to:

George W. Johnston, Esq., Hoffmann-La Roche Inc., 340 Kingsland Street

Nutley, New Jersey 07110-1199

Direct Telephone Calls to: (name and telephone number)

Douglas A. Petry, Ph.D. 510-814-2974

David Harrow Gelfand

Full name of sole or first inventor

Inventor's signature

8-24-98

Date

Oakland, Alameda County, California

Residence

United States

Citizenship

6208 Chelton Drive, Oakland, California 94611

Post Office Address

Lisa Vivian Kalman

Full name of second joint inventor, if any

Second Inventor's signature

Date

8/18/98

San Francisco, San Francisco County, California

Residence

United States

Citizenship

202 Panorama Drive, San Francisco, California 94131

Post Office Address

Fred Lawrence Reichert

Full name of third joint inventor, if any

Third Inventor's signature

Date

8/24/98

Oakland, Alameda County, California

Residence

United States

Citizenship

859 Warfield Avenue, Oakland, California

Post Office Address

Christopher Lim Sigua

Full name of fourth joint inventor, if any

Fourth Inventor's signature

Date

8-24-98

Antioch, Contra Costa County, California

Residence

United States

Citizenship

4825 Bridle Court, Antioch, California

Post Office Address

Thomas W. Myers

Full name of fifth joint inventor, if any

Fifth Inventor's signature

Date

Alameda, Alameda County, California

Residence

United States

Citizenship

2910 Fernside Boulevard, Alameda, California

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.